

Democratic Services Committee Procedure Rules

1. The Democratic Services Committee

- 1.1 The Council is required by Section 11(1) of the Local Government (Wales) Measure 2011 to have a Democratic Services Committee with its roles and terms of reference as set out herein.
- 1.2 The Democratic Services Committee is empowered to form a sub-committee.¹

2. Membership of the Democratic Services Committee

- 2.1 The membership of the Democratic Services Committee shall be appointed by full Council subject to the following rules²
 - (a) All members of the Democratic Services Committee shall be elected members of the Council;
 - (b) No more than one of the members of the Democratic Services Committee shall be a member of the Council's executive;
 - (c) The Leader of the Council's executive is not a member of its Democratic Services Committee;
 - (d) If a person ceases to be an elected Member he or she will cease to be a Member of the Committee³
- 2.2 The Democratic Services Committee is a body to which Section 15 of the Local Government and Housing Act 1989 applies (duty to allocate seats to political groups applies)⁴

3. Appointment of Chair and Vice Chair

- 3.1 The Full Council shall appoint the person who is to chair the Democratic Services Committee. Subject to Paragraph 3.2 this person must not be a member of the executive group or groups⁵

¹ Section 13(1) Local Government (Wales) Measure 2011

² Section 12 Local Government (Wales) Measure 2011

³ Section 17 Local Government (Wales) Measure 2011

⁴ Section 12 (5) Local Government (Wales) Measure 2011

⁵ Section 14(1) Local Government (Wales) Measure 2011

- 3.2 If there are no opposition groups, the Chair of the Democratic Services Committee may be a member of an executive group or groups but must not be a member of the local authority's executive⁶
- 3.3 For the purposes of subparagraphs 3.1 and 3.2, the expressions "executive group" and "opposition group" have the same meaning as in section 75 of the Local Government (Wales) Measure 2011⁷
- 3.4 The Democratic Services Committee is to appoint the person who is to chair any sub-committee of the committee⁸

4. Meetings of the Democratic Services Committee

- 4.1 Unless otherwise agreed by the Chair and Vice Chair there shall be at least two ordinary meetings of the Democratic Services Committee in each year. There must be at least one meeting in each calendar year.⁹ In addition, extraordinary meetings may be called from time to time as and when appropriate.
- 4.2 An Extraordinary Meeting of the Democratic Services Committee shall be convened in the following circumstances:-
- (a) The Chair of the Democratic Services Committee so requires it, or
 - (b) The full Council resolves that the Democratic Services Committee shall meet,¹⁰ or
 - (c) At least one third of the Members of the Democratic Services Committee requisition a meeting by giving one or more notices in writing to the Chair,¹¹ or
 - (d) If the Chief Executive or the Director of Finance and Corporate Services consider it necessary and appropriate.

⁶ Section 14(2) Local Government (Wales) Measure 2011

⁷ Section 14(9) Local Government (Wales) Measure 2011

⁸ Section 14(3) Local Government (Wales) Measure 2011

⁹ Section 15(1) Local Government (Wales) Measure – The statutory requirement is for at least one meeting per calendar year.

¹⁰ Section 15(2) (a) Local Government (Wales) Measure 2011

¹¹ Section 15(2)(b) Local Government (Wales) Measure 2011

5. Quorum

The quorum for a Democratic Services Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

6. Functions of the Democratic Services Committee

6.1 The functions of the Democratic Services Committee are:-

- (a) To exercise the functions of the Council under Section 8(1) Local Government (Wales) Measure 2011 (designation of Head of Democratic Services) (as more particularly described in Section 9(1) of the Local Government (Wales) Measure 2011);
- (b) To review the adequacy of provision by the Council of staff, accommodation and other resources to discharge democratic services functions (including but not limited to councillor training, Improvements and innovations to Council democratic practices.
- (c) To make reports and recommendations to the Council in relation to such provision.¹²
- (d) To determine whether or not the Councillors period of family absence should be cancelled in accordance with Regulation 34 of the Local Government (Wales) Measure 2011.
- (e) To determine whether or not to withhold a Councillor's Remuneration should they fail to return following a period of family absence on the date specified in the notice provided
- (f) To review at the request of Full Council any matter relevant to the support and advice available to Members of the Authority and the terms and conditions of office of those Members provided that the Committee must make reports and recommendations to Council following such review (footnote Section 11A Local Government (Wales) Measure 2011)."

¹² Section 11(1) Local Government (Wales) Measure 2011

And that similar provision is inserted in Annex E1 of Part 3 of the Constitution.

6.2 The Democratic Services Committee may not exercise any functions other than the functions set out in Paragraph 6.1.¹³

7. Agenda Items

7.1 Any member of the Democratic Services Committee shall be entitled to give written notice to the Chief Executive at least 8 clear working days before the date of the next meeting that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for, and be discussed at, a meeting of the Committee.

7.2 On receipt of such a request, the Chief Executive shall ensure that it is included on the agenda for the next or subsequent meeting (the determination as to which meeting to rest with the Committee Chair).

7.3 Any Member of the Council who is not a member of the Democratic Services Committee may give written notice to the Chief Executive at least 8 working days before the date of the next meeting that he/she wishes a matter which is relevant to the functions of the committee to be included on the agenda of the Committee.

7.4 If the Chief Executive receives such a notification, then he shall include the item on the agenda for the next or a subsequent meeting (the determination as to which meeting to rest with the Committee Chair). Such member may then attend the Committee to speak, but not vote, nor move, second or amend any motion on that item.

7.5 Any Member of the Council who is not a Member of the Democratic Services Committee may by request to and by agreement of the Committee Chair (subject to any relevant Code provisions) attend in respect of a particular item (or items) of interest. The Member may speak, but not move second or amend a motion. The attendance shall relate to the particular item (or items) on the agenda.

¹³ Section 16(1) Local Government (Wales) Measure 2011

8. Reports of Head of Democratic Services

- 8.1 The Head of Democratic Services must as soon as practicable after preparing a report or making a recommendation under Section 9(1)(h) of Local Government (Wales) Measure 2011 (number, grade, appointment and organisation and proper management of staff for discharging democratic services functions) send a copy of it to all Members of Democratic Services Committee¹⁴
- 8.2 The Democratic Services Committee must consider such report or recommendation at a meeting held within three months¹⁵
- 8.3 The Head of Democratic Services must as soon as practicable after he/she has produced a report or recommendation under section 9(1)(h) of the Local Government (Wales) Measure 2011 (adequacy of provision of staff accommodation and other resources to discharge Democratic Services functions) send to each member of the Council who is not a member of the Democratic Services Committee a copy of that report or recommendation.¹⁶ The Democratic Services Committee must as soon as practicable after it has prepared a report or made a recommendation under Section 11(1)(c) of the Measure send to each Member who is not a Member of the Committee a copy of that report or recommendation.¹⁷

9. Access to Documents

- 9.1 The Democratic Services Committee is subject to Part 5A of the Local Government Act 1972 (access to meetings and documents).¹⁸
- 9.2 In addition to their rights as councillors, members of the Democratic Services Committee have the additional rights to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

10. Members and Officers Answering Questions and Attendance

¹⁴ Section 18(1) Local Government (Wales) Measure 2011

¹⁵ Section 18(2) Local Government (Wales) Measure 2011

¹⁶ Section 18(1) Local Government (Wales) Measure 2011

¹⁷ Section 19(1) Local Government (Wales) Measure 2011

¹⁸ Section 14(8) Local Government (Wales) Measure 2011

at Meetings of Other Persons

10.1 The Democratic Services Committee:-

- (a) May require members and officers of the Council to attend before it to answer questions, ¹⁹ and
- (b) may invite other persons to attend meetings of the committee.²⁰

10.2 It is the duty of any member or officer of the Council to comply with any requirement imposed under paragraph 10.1(a).²¹

10.3 A person is not obliged by paragraph 10.2 to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales. ²²

10.4 Where any member or officer is required to attend a Democratic Services Committee under this provision, the Committee Chair will inform the Chief Executive who shall inform the member or officer in writing giving at least 8 clear working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

10.5 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Committee Chair shall in consultation with the member or officer arrange an alternative date for attendance.

10.6 It is ultimately the elected executive which will be required to answer questions about policies and decisions of the Executive. Officers contributions should as far as possible be confined to questions of fact and explanation relating to policies and decisions, though they can be asked to explain and give reasons for decisions

¹⁹ Section 14(5) (a) Local Government (Wales) Measure 2011

²⁰ Section 14(5) (b) Local Government (Wales) Measure 2011

²¹ Section 14(6) Local Government (Wales) Measure 2011

²² Section 14(7) Local Government (Wales) Measure 2011

they themselves have taken under delegated authority.

11. Procedure at Democratic Services Committee Meetings

11.1 The Democratic Services Committee and sub-committees shall consider the following business:-

- (a) Minutes of the last meeting;
- (b) Consideration of any matter referred to the committee;
- (c) Responses of the Council or Executive to report or recommendations of the Democratic Services Committee; and
- (d) The business otherwise set out on the agenda for the meeting.

11.2 Where the Democratic Services Committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:-

- (a) That the investigation is conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) That those assisting the committee by giving evidence be treated with respect and courtesy; and
- (c) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

11.3 Following any investigation or review, the Democratic Services Committee shall prepare a proposal for submission to the executive and/or Council as appropriate, and shall make its proposal and findings public.

11.4 All members of the Democratic Services Committee or any sub-committee are entitled to vote on any question which follows to be decided by the Committee.²³

²³ Section 14(4) Local Government (Wales) Measure 2011

12. Responses to Members who have Referred Matters to the Democratic Services Committee

When the Democratic Services Committee has considered a requisition to place an item on the agenda for Democratic Services Committee under Paragraphs 7.1 and 7.3 of these procedure rules the Committee Chair shall cause the Member who has made the requisition to be advised of the outcome of its consideration by the Committee and the reason for such outcome.

13. Guidance of the Welsh Ministers

The Democratic Services Committee must have regard to any guidance given by the Welsh Ministers under Section 16(2) Local Government (Wales) Measure 2011.